



United States Attorney
Southern District of New York

United States District Courthouse
300 Quarropas Street
White Plains, New York 10601

December 27, 2019

BY CM/ECF and ELECTRONIC MAIL

The Honorable Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas Street
New York, New York 10007

**Re: *United States v. Justin Patterson,*
19 Cr. 231 (CM)**

Application granted. The 12/30/19 conference is adjourned without date, pending the outcome of the Government's appeal.

SO ORDERED.

CATHY SEIBEL, U.S.D.J.

12/27/19

Dear Judge Seibel:

The Government writes on behalf of both parties respectfully to ask that the Court adjourn Monday's status conference *sine die*.

On October 30, 2019, this Court orally ordered the suppression of the gun found in Justin Patterson's car. The Court ordered the parties to appear for a status conference on December 3, 2019, which status conference the Court adjourned to Monday, December 30, 2019, at 2:45 pm.

A few minutes ago, the Government filed a notice of appeal of that suppression order.¹ The parties agree that time is therefore automatically excluded under the Speedy Trial Act, which provides that "[t]he following periods of delay shall be excluded in computing time within which an information or an indictment must be filed, or in computing the time within which the trial of any such offense must commence: ... delay resulting from any interlocutory appeal." 18 U.S.C. § 3161(h)(1)(C).

In light of the filing of the notice of appeal, the parties believe that Monday's status conference is unnecessary, and therefore ask that it be adjourned *sine die*, and be rescheduled after the resolution of the appeal. The parties propose jointly updating the Court about the status of the appeal every three months. Additionally, the parties agree that

¹ Courtesy copies of the executed notice of appeal and related paperwork, which were filed by hand with the Office of the District Clerk in White Plains, are attached.

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they may seek a conference before the Court regarding the conditions of Patterson's release, which are not the subject of the Government's appeal.

Please feel free to contact us with any questions or issues.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By:


James Ligtenberg / Michael D. Maimin
Assistant United States Attorneys
(914) 993-1953 / 1952

cc: Jason I. Ser, Esq. (by electronic mail and CM/ECF)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JUSTIN PATTERSON,

Defendant

ORDER

19 Cr. 231 (CM)

WHEREAS, the Court issued a decision in the above-referenced matter on October 30, 2019;

WHEREAS, the United States of America, by and through Geoffrey S. Berman, United States Attorney, James Ligtenberg and Michael D. Maimin, of counsel, has requested an extension of the 30-day deadline within which to file a Notice of Appeal of that decision as required by Federal Rule of Appellate Procedure 4(b)(1)(B)(i) and 18 U.S.C. § 3731;

WHEREAS, Federal Rule of Appellate Procedure 4(b)(4) provides that, “[u]pon a finding of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b)”;

WHEREAS, the Government requests the extension to enable the Solicitor General to review the Court’s decision and determine whether to appeal the decision;

WHEREAS, the Court finds that the Government has demonstrated good cause to extend the time to file a notice of appeal for 30 days;

IT IS HEREBY ORDERED that the Government's deadline to file a notice of appeal is extended by 30 days, until and including December 30, 2019.

Dated:White Plains, New York
November ___, 2019

THE HONORABLE CATHY SEIBEL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JUSTIN PATTERSON,

ORDER

19 Cr. 231 (CM)

Defendant

Upon the application of the United States of America, by and through Geoffrey S. Berman, United States Attorney for the Southern District of New York, James Ligtenberg and Michael D. Maimin, of counsel:

WHEREAS, on October 30, 2019, this Court granted the motion of JUSTIN PATTERSON, the defendant to suppress certain evidence; and

WHEREAS, on October 30, 2019, this Court scheduled a conference in this matter for December 3, 2019; and

WHEREAS, on November 26, 2019, the Government requested an extension of its time to file a Notice of Appeal of that decision pursuant to Federal Rule of Appellate Procedure 4(b)(4); and

WHEREAS, this Court granted the Government's application, and extended the Government's deadline to file a Notice of Appeal of this Court's decision until and including December 30, 2019; and

WHEREAS, in light of the Court's extension of the time in which the Government may file a Notice of Appeal, at the request of the Government, and without objection from

the defendant, the Court has rescheduled to December 3, 2019 conference to _____
____, 20____, at ____:____ a.m./p.m.; and

WHEREAS, the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial, because, among other things, it will allow the Government to determine whether to appeal this Court's decision granting Patterson's motion to suppress;

IT IS HEREBY ORDERED that the time between and including November 26, 2019, and _____, 20____, is hereby excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), in the interests of justice.

Dated: New York, New York
November __, 2019

THE HONORABLE CATHY SEIBEL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK